



CITY OF DULUTH

Planning Division

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STAFF REPORT

File Number	PL 14-148	Contact	John Judd, jjudd@duluthmn.gov	
Application Type	Rezone properties from I-W to P-1	Planning Commission Date	November 10, 2014	
Deadline for Action	Application Date	November 4, 2014	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	Area St.. Louis Avenue, From 13th Street South to 15th Street South			
Applicant	City of Duluth, Planning Division	Contact	John Judd, jjudd@duluthmn.gov	
Agent	John Judd, jjudd@duluthmn.gov	Contact	John Judd, jjudd@duluthmn.gov	
Legal Description	See Attached			
Site Visit Date	October 17, 2014	Sign Notice Date	October 27, 2014	
Neighbor Letter Date	October 29, 2014	Number of Letters Sent	48	

Proposal

The Duluth City Planning Division proposes to rezone land on Park Point, South of St. Louis Avenue, to the shoreline of the Duluth Harbor Basin, from 13th Street South to 15th Street South from Industrial Waterfront, (I-W) to Park and Open Space, (P-1)

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	Industrial-Waterfront (I-W)	Undeveloped	Parks and Open Space (P-1)
North	Industrial-Waterfront (I-W)	U. S. Coast Guard	Transportation & Utilities
South	Industrial-Waterfront (I-W)	U. S. Army Reserve	Institutional
East	Residential-Traditional (R-1)	Undeveloped-Residential	Residential-Traditional (R-1)
West	Industrial-Waterfront (I-W)	Undeveloped (Superior Bay)	Parks and Open Space (P-1)

Summary of Code Requirements (reference section with a brief description):

Section 50-37.3 Unified Development Chapter (UDC) Text or Zoning Map Amendments

A. Application 1. The planning commission may, upon its own motion, propose and hear amendments to the text of the UDC or the boundaries of the official zoning map.

B. Procedure 1. Planning Commission Review- The planning commission shall review the application, conduct a public hearing pursuant to Section 50-37.1, with public notice as required by Section 50-37.1.H, and make a written recommendation to council based on the criteria in subsection C below. 3. When Written Consent or Supermajority required the following provisions shall apply after the initial adoption of the zoning map reflecting the zone district consolidations reflected in this UDC. In addition, the affirmative vote of 2/3 of the council shall be required if: (ii) The planning commission has completed a study of an area containing at least 40 acres of land surrounding the applicant's property and the proposed rezoning is a result of that study, and a finding is made that it would be impractical to obtain the required written consent.

C. Criteria- The planning commission shall review the application, and council shall approve the application, or approve it with modifications, if it determines that the application: 1) Is consistent with the Comprehensive Land Use Plan; 2) Is reasonable related to the overall needs of the community, to existing land use, or to a plan for future land use; 3) Is required by public necessity, convenience, or general welfare, or good zoning practice; 4) Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

III. A-1

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

The Comprehensive Plan Future Land Use Map indicates Park and Open Space, (P-1) as the designated land use category for this property. Areas zoned Park and Open Space, (P-1) include areas dedicated to active recreation, such as neighborhood parks, community centers, downhill ski areas, playgrounds, ball fields, water recreation, and associated facilities such as parking restrictions.

1. Governing Principles:

Principle #2 - Declare the necessity and secure the future of undeveloped places.

Principle #6 Reinforce the place-specific features.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

1) The Minnesota Municipal Planning Act (State Statute Chapter 462) provides that zoning an "official control" should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious.

2) When the UDC went into effect, in November of 2010, all existing zone districts converted into new zone districts per the categories described in the UDC. However, there are several areas of the city where existing zoning is inconsistent with the Comprehensive Land Use Plan. This portion of Park Point which currently zoned Industrial-Waterfront district (I-W) is an example of those inconsistencies. The rezoning of this area to Park and Open Space, (P-1) will bring the subject property into compliance with the City's Comprehensive Land Use Plan.

3) The P-1 district is intended to protect and reserve lands for recreational, scenic and natural resource uses. It is intended to be applied to publicly owned land but may be applied to private property with the landowner's written consent. Both passive recreational (e.g., walking paths, picnic tables) and active recreational (e.g., playgrounds, ball fields, tennis courts) uses may be permitted, as shown in Table 50-19.8. Small-scale buildings, structures and development (e.g., parking) that are incidental to and supportive of an approved use may also be permitted. All uses and structures shall be compatible in scale, design and impact with the natural features and character of the land.

4) Permitted Uses in the proposed Park and Open Space, (P-1) district include: Park, playground, forest reserve or Golf course. Special or Interim Uses include: Cemetery or mausoleum, Club or lodge (private), Government building or public safety facility, Museum, library, Art gallery, Riding stable, Seasonal camp or cabin, Marina or yacht club, Recreational vehicle park, Electric power transmission line substation, Water or sewer pumping stations/reservoirs.

5) Comments from neighbors, public agencies and City departments: None from public or private agencies. (see attached neighbors and/or other interested parties)

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

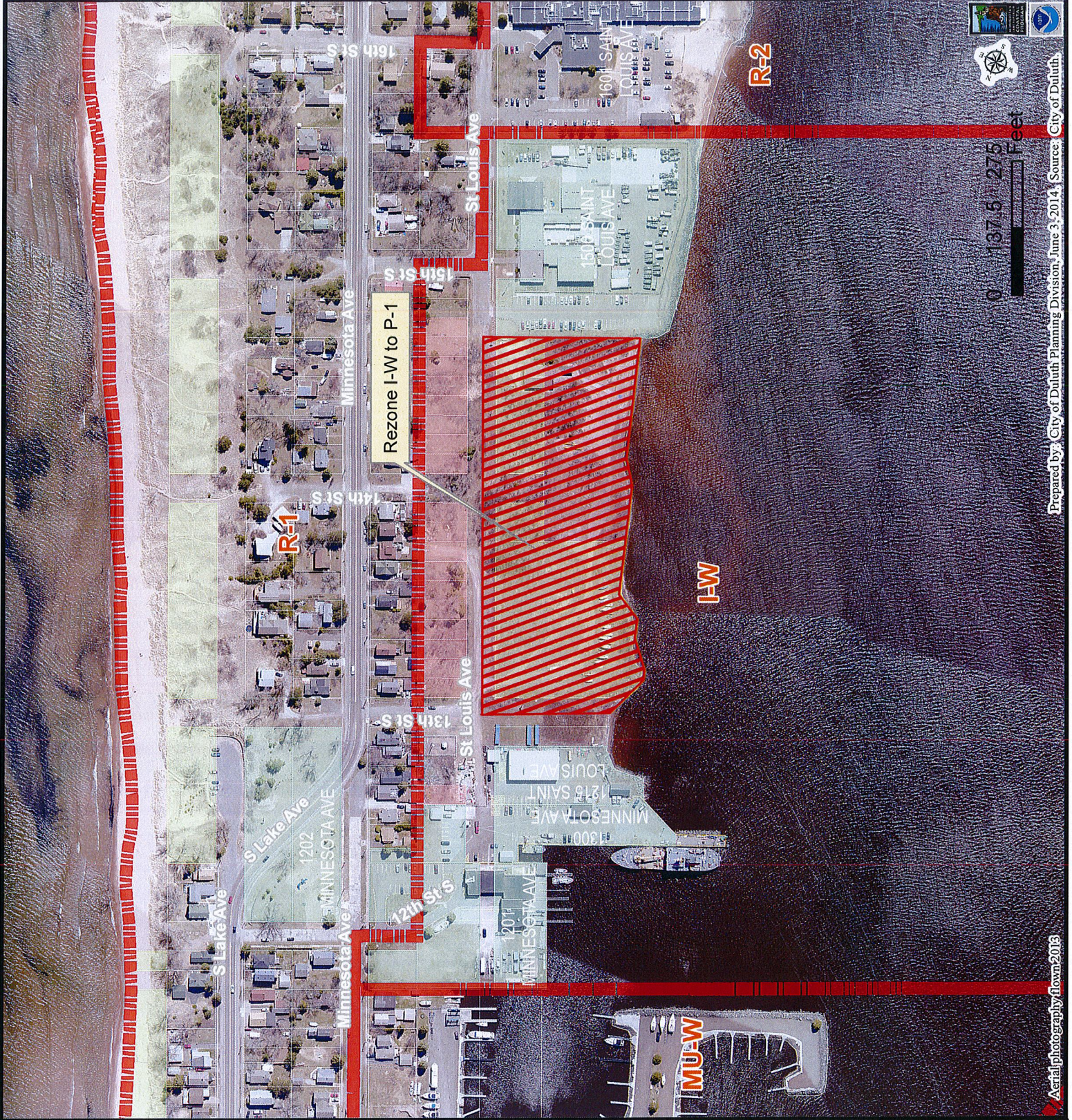
Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning from Industrial Waterfront, (I-W) to Park and Open Space, (P-1) land on Park Point, South of St. Louis Avenue, to the shoreline of the Duluth Harbor Basin, from 13th Street South to 15th Street South.

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



PL 14-148
Rezoning Industrial-Waterfront
to Park & Open Space

Legend
Zoning Boundaries
Zoning Boundaries



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.



PL 14-148

Rezoning Industrial-Waterfront to Park & Open Space

Legend

Future Land Use

Preservation

Recreation

Rural Residential

Low-density Neighborhood

Traditional Neighborhood

Urban Residential

Neighborhood Commercial

Neighborhood Mixed Use

General Mixed Use

Central Business Secondary

Central Business Primary

Auto Oriented Commercial

Large-scale Commercial

Business Park

Tourism/Entertainment District

Medical District

Institutional

Commercial Waterfront

Industrial Waterfront

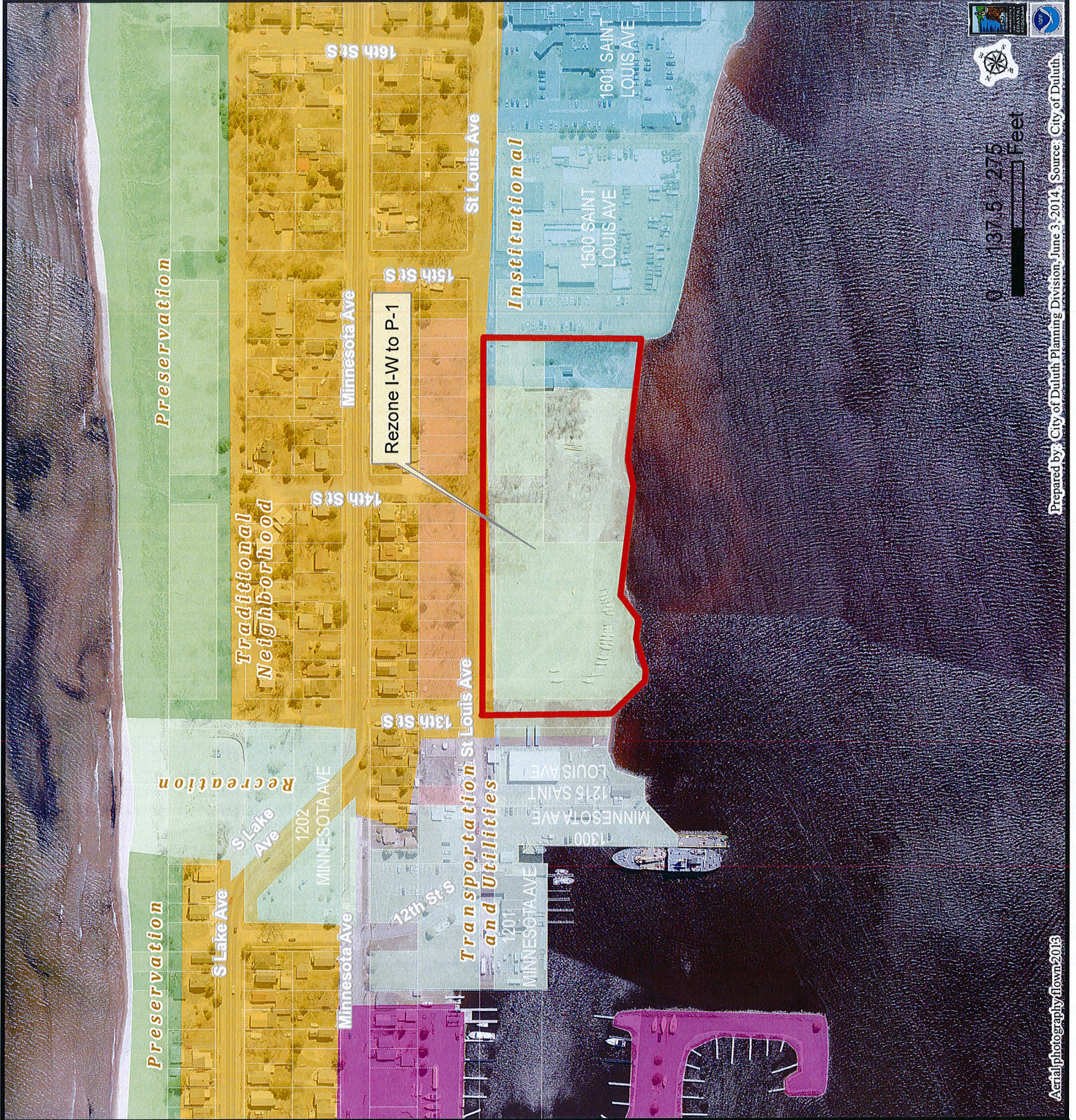
Light Industrial

General Industrial

Transportation and Utilities

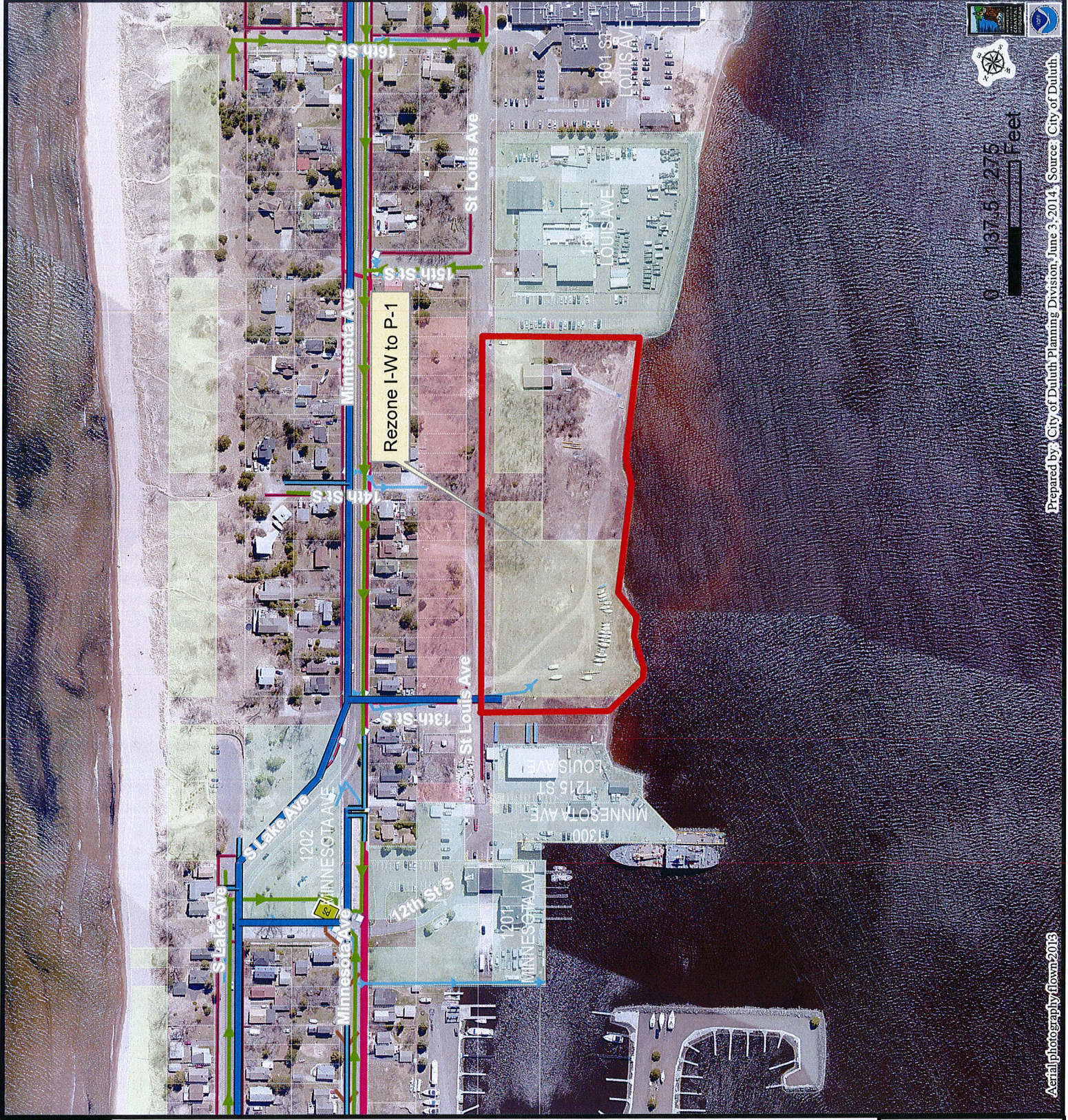
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4-3





PL 14-148
Rezoning Industrial-Waterfront
to Park & Open Space



Legend

- Water Distribution System**
 - 30 - 60" Water Pipe
 - 16 - 24" Water Pipe
 - 4 - 6" Water Pipe
- Sanitary Sewer Collection System**
 - Sanitary Sewer Collector
 - Sanitary Sewer Interceptor
 - Sanitary Sewer Forced Main
- Gas Distribution Main**
 - 8" - 16" Gas Pipes
 - 4" - 6" Gas Pipes
 - 0" - 4" Gas Pipes
- Storm Sewer Collection System**
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Storage Basin
- Pump Station

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PL 14-148 Legal Description

Rezone Industrial-Waterfront (I-W) to Park & Open Space (P-1)

Land on Park Point, South of St. Louis Avenue, to the shoreline of the Duluth Harbor Basin, from 13th Street South to 15th Street South

That part of Even-Numbered Lots 88 through 120, Argyle Street (13th Street South), Dunleith Street (14th Street South) and St. Louis Avenue, of Upper Duluth St. Louis Avenue, according to the recorded plat thereof, described as follows:

Beginning at the intersection of said 13th Street South and St. Louis Avenue;

Thence south along the center line of St. Louis Avenue to the easterly extension of the south line of said Lot 88;

Thence west along said south line of Lot 88 and it's extension to the shoreline of Duluth Harbor Basin;

Thence north along said shoreline to the westerly extension of the centerline of said 13th Street South;

Thence east along said centerline of 13th Street South and it's extension to the point of beginning.